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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,527

12/02/2005

Mitsutoshi Shinkai

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EXAMINER

YODICHKAS, ANEETA

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/559,527</p>	<p>Applicant(s) SHINKAI ET AL.</p>	
	<p>Examiner Aneeta Yodichkas</p>	<p>Art Unit 2627</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,4,5 and 7-15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See item 3 above and below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627

Continuation of 3: NOTE: Claim 10 has been amended to include the limitations, "copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium and a table including clip information and edit information; creating a second file including said identifier copied for identifying a format, and label information describing content of the data, further comprising setting said label information, wherein creating the second file includes the identifier copied for identifying a format and said label information, and recording the second file so that the second file is recorded in the format identified by the identifier on the recording medium, as a file that is different from the first file; and comparing an identifier included in the second file with an identifier included in the first file recorded onto the recording medium, wherein recording the second file in the format identified by the identifier on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file". Claim 11 has been amended to include the limitations, "a computer program product comprising a tangible computer readable medium including program code stored thereon, for allowing a computer to execute processing for managing data that is recorded on the recording medium, the program code being executable to perform operations comprising: copying an identifier for identifying a format that is managed by a first file for managing information recorded on the recording medium, the identifier being included in the first file; creating a second file including said identified copied for identifying a format, and label information describing content of the data, further comprising setting said label information, wherein creating the second file includes the identifier copied for identifying a format and said label information, and recording the second file so that the second file is recorded in the format identified by the identifier on the recording medium, as a file that is different from the first file; and comparing an identifier included in the second file with an identifier included in the first file recorded onto the recording medium, wherein recording the second file in the format identified by the identifier on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file". Claim 12 has been amended to include the limitations, "wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier for identifying a format in the first file, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium". Claim 13 has been amended to depend on claim 1 and claims 14 and 15 are new. All these limitations above were not presented earlier and therefore require further search and consideration.

Applicant's arguments filed March 17, 2010 have been fully considered but are not persuasive.

(a) Applicant argues on page 16, lines 1-2 that the application is in condition for allowance. Examiner disagrees for the reasons stated above.